

Nashville DA won't enforce new bathroom sign law

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By KIMBERLEE KRUESI May 24, 2021



Amy Allen, the mother of an 8th grade transgender son, speaks after a Human Rights Campaign round table discussion on anti-transgender laws Friday, May 21, 2021, in Nashville, Tenn. Conservative lawmakers nationwide introduced a flurry of anti-LGBTQ bills this year, but no state's political leaders have gone further than Tennessee in enacting new laws targeting transgender people. (AP Photo/Mark Humphrey)

NASHVILLE, Tenn. (AP) — Nashville's top prosecutor said Monday that he will not enforce a newly enacted law that requires businesses and government facilities open to the public to post a sign if they let transgender people use multiperson bathrooms and other facilities associated with their gender identity.

"I believe every person is welcome and valued in Nashville," Nashville District Attorney General Glenn Funk said in a statement. "Enforcement of transphobic or homophobic laws is contrary to those values. My office will not promote hate."

Funk's office clarified that this refusal to enforce "transphobic or homophobic laws" specifically included the first-of-its kind measure signed by Republican Gov. Bill Lee earlier this month.

The move, along with the flurry of other anti-transgender laws approved by Lee, has sparked alarm among LGBTQ advocates. Many have decried the latest measure as discriminatory and said the required signs are "offensive and humiliating." The law will go into effect July 1.

However, questions have remained about how specifically it will be enforced.

Republican Rep. Tim Rudd, who sponsored the legislation, told a legislative committee in March that the bill "does not provide any fines or penalties at this point," and the amended version passed by that committee became law. Rudd has also said that the law could be enforced by people filing lawsuits or district attorneys asking a judge to force businesses to comply.

Yet Tennessee District Attorneys General Conference President Amy Weirich argued that the language in the new law "doesn't speak to anything having to do with enforcement."

"The way it's written, I don't see anything that allows or provides me the responsibility or right to go to civil court and ask a judge to enforce it," said Weirich, Shelby County's district attorney.

Lee did not have a strong reaction when pressed by reporters Monday on Funk's refusal to enforce the bathroom sign law.

"I think his decision will be his own," he said. "I signed the law; it's his decision how he wants to respond to it."

Lee's response was markedly different than when Funk announced in September he would not enforce a new law that required abortion providers to tell their patients it may be possible to reverse the action of abortion medication half-way through the procedure. Funk said at the time he believed the law was unconstitutional.

Without naming Funk, Lee's office tweeted that, "A district attorney purposefully disregarding current, duly enacted laws by the legislature is a grave matter that threatens our justice system and has serious consequences."

Associated Press writer Jonathan Mattise contributed to this report.

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